

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

NEXION MEDIA, INC.

Application for Authority Pursuant to
Section 214 of the Communications Act
of 1934, as amended, to Operate as an
International Facilities-Based and Resale Carrier
Between the United States and Various
International Points

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APPLICATION

Nexion Media, Inc. (“Nexion Media” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. §214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. §63.18, to provide international telecommunications services between the United States and international points. As shown below, this application qualifies for streamlined processing.

I. The Applicant

Nexion Media, Inc. is a corporation organized under the laws of the State of Delaware. The Applicant is not a foreign carrier within the meaning of Section 63.09(e) of the Commission’s Rules, 47 C.F.R. §63.09(e). The Applicant is affiliated, within the meaning of Section 63.09(e) of the Commission’s Rules, 47 C.F.R. §63.09(e), with Nexion Corporation, an entity authorized to provide telecommunications services in Japan. Neither Nexion Corporation

nor any of the other foreign carrier affiliates of the Applicant identified on Attachment A is dominant on any route between a destination country and the U.S. None of the Applicant's affiliated carriers appears on the Commission's list of carriers presumptively deemed to have market power pursuant to Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. §63.10(a)(3). Japan, the home country of the Applicant's parent corporation, is a WTO member country. The Applicant, therefore, qualifies for the presumption of non-dominance under Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. §63.10(a)(3), and its application qualifies for streamlined processing.

II. Public Interest Consideration

By granting this application, the Commission will serve the public interest, convenience and necessity by promoting competition in the international telecommunications services market. Competition will benefit United States consumers by increasing service options and lowering prices. Thus, the public interest will be served by grant of Section 214 authority to the Applicant.

III. Information Required by Section 63.18

Nexion Media submits the following information, as required by Section 63.18 of the Commission's Rules, in support of its request for Section 214 authorization:

- (a) Name, address and telephone number of Applicant:

Nexion Media, Inc.
100 North Crescent Drive,
Beverly Hills, CA 90210
Tel: (310)-385-4268

- (b) The Applicant is incorporated under the laws of the State of Delaware.

- (c) Correspondence concerning this application should be sent to:

Helen E. Disenhaus
Yumi Daimaru
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7645

With a copy to:

Naoki Kimura
Nexion Media, Inc.
100 North Crescent Drive,
Beverly Hills, CA 90210 Imperial Tower, 11th Floor
Tel: (310) 621-0444
Fax: (310) 248-3719

- (d) The Applicant has not previously received authority under Section 214 of the Act. Upon grant of this Application, the Applicant will become an authorized non-dominant facilities-based carrier and reseller with global authority, pursuant to Section 214 of the Act and the Commission's Rules.
- (e) (1) The Applicant requests Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. §63.18(e)(1). The Applicant requests such authorization for all international routes authorized by the Commission. The Applicant certifies that it will comply with the terms and conditions of Sections 63.21, 47 C.F.R. §63.21, and 63.22, 47 C.F.R. §63.22, of the Commission's Rules.
- (2) The Applicant also requests Section 214 authority to resell the international services of authorized U.S. common carriers pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. §63.18(e)(2). The Applicant requests such authorization for all international routes authorized by the Commission. The Applicant certifies that it will comply with the terms and conditions contained in Section 63.21, 47 C.F.R. §63.21, and 63.23, 47 C.F.R. §63.23, of the Commission's Rules.
- (f) The Applicant seeks the authority to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules, 47 C.F.R. §63.18(e).
- (g) Because the Applicant is not seeking facilities-based authority pursuant to Section 63.18(e)(4) of the Commission's Rules, 47 C.F.R. §63.18(e)(4), this Section is not applicable.

- (h) Information regarding the Applicant's 10% or greater direct or indirect shareholders is as follows:

Name: Nexion Corporation
Address: 1-1-1 Uchisaiwai-cho, Chiyoda-ku, Tokyo, 100-0011, Japan
Tel: 81-3-5501-3852
Percentage Held: 100%
Citizenship: Japan
Principal Business Telecommunications carrier

Information regarding Nexion Corporation's 10% or greater direct or indirect shareholders is as follows:

Name: Marubeni Corporation
Address: 4-2 Ohtemachi 1-Chome, Chiyoda-ku, Tokyo, Japan
Tel: 81-3-3282-9597
Percentage Held: 100%
Citizenship: Japan
Principal Business Trading Company

The Applicant certifies that it does not have any interlocking officers or directors.

- (i) The Applicant certifies that it is not, itself, a foreign carrier, but that it is affiliated with Nexion Corporation, its parent company. Nexion Corporation is authorized to provide telecommunications services in Japan, but it is not a dominant provider of telecommunications services in a relevant market in Japan or any other destination country. Other foreign carrier affiliates of the Applicant are identified in Attachment A.
- (j) The Applicant seeks to provide international telecommunications services to all global points, except those points on the Commission's Exclusion List. This includes Japan where, as indicated at Paragraph (i) above and on Attachment A, the Applicant will have foreign carrier affiliates.
- (k) As indicated on Attachment A, Marubeni Corporation (the ultimate parent of the Applicant) and most of its telecommunications carrier and non-carrier affiliates are based in Japan, which is a Member of the World Trade Organization. Some other telecommunications affiliates of Marubeni are based in the U.S., Bermuda, Indonesia, Bangladesh, and Singapore, which are also Members of the World Trade Organization.¹

¹ Bermuda is not itself a Member of the World Trade Organization. It is, however, a territory of the United Kingdom, which is a Member of the World Trade Organization. Further, Marubeni's Bermuda affiliates are controlled by citizens of WTO member states.

- (l) The Applicant should be classified as non-dominant pursuant to Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. §63.10(a)(3). The Applicant's foreign carrier affiliates will be new entrants offering services in competition with dominant foreign carriers and others. They will offer significantly less than 50% market shares in the international transport and local access markets in the countries in which they are operating. Moreover, the Applicant's affiliates will not and do not have the ability to discriminate against unaffiliated United States international carriers through the control of bottleneck services or facilities to exercise market power in the countries in which they operate. Accordingly, the Applicant's foreign carrier affiliates will not possess sufficient market power on the applicable U.S. international routes to affect competition adversely in the United States telecommunications market. The Applicant and its foreign carrier affiliates should be presumptively classified as non-dominant carriers on all international routes.
- (m) As described in Paragraph (l) above, the Applicant presumptively qualifies for non-dominant treatment for the provision of all international telecommunications services pursuant to Section 63.10 of the Commission's Rules, 47 C.F.R. §63.10.
- (n) The Applicant certifies that it has not agreed, and will not agree in the future, to accept special concessions directly or indirectly from any foreign carrier where the foreign carrier possesses market power on the foreign end of the route, except as authorized by the FCC.
- (o) The Applicant certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988), that no party to its application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This Application qualifies for streamlined processing pursuant to Section 63.12(c)(ii) of the Commission's Rules, 47 C.F.R. §63.12(c)(ii), because, as set forth in Paragraph (l) above, the Applicant qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. §63.10(a)(3).

IV. Conclusion

For the reasons stated above, Nexion Media, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By: _____
Helen E. Disenhaus
Yumi Daimaru
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7645

Counsel for Nexion Media, Inc.

Dated: April 18, 2001

CERTIFICATION OF APPLICANT

On behalf of Nexion Media, Inc., I hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

NEXION MEDIA, INC.

By: _____

Name: Naoki Kimura

Title: President
Nexion Media, Inc.

Date: _____

ATTACHMENT A

Marubeni (the Applicant's Ultimate Parent Company)'s Major Telecommunications Affiliates

| Company Name | Nationality | Ownership |
|---|--------------------|---|
| Marubeni Telecom Co., LTD | Japan | 100% owned by Marubeni |
| Town Television Narashino Co., LTD | Japan | 67.1% owned by Marubeni |
| Town Television Minami-Yokohama Co., LTD. | Japan | 62.9% owned by Marubeni |
| Marunouchi Direct Access K.K. | Japan | 49% owned by Marubeni |
| Koala Television Co., LTD. | Japan | 20.5% owned by Marubeni |
| Takatsuki Cable Network, Inc. | Japan | 17.8% owned by Marubeni |
| Toyonaka Community Cable Company | Japan | 15% owned by Marubeni |
| Bandwidth Solutions International | U.S. | 100% owned by Marubeni America |
| Vectant, Inc. | U.S. | 80% owned by Marubeni, 20% owned by Marubeni America. |
| Global Solution K.K. | Japan | 100% owned by Vectant, Inc. |
| Global Access LTD | Japan | 51% owned by Vectant, Inc. |
| Pacific Cable Limited | Bermuda | 35.5% owned by Marubeni |
| Flag Telecom Holding Limited | Bermuda | 5% owned by Marubeni |
| PT Pramindo Ikat Nusantara | Indonesia | 8% owned by Marubeni |
| Grameenphone LTD | Bangladesh | 8.35% owned by Marubeni |
| France Cables Et Radio Vietnam PTE | Singapore | 13% owned by Marubeni |